

CHAPTER V

CASE REVIEW

1. Introduction. The Department of Labor is responsible for reviewing SESA BAM case investigative procedures and methodology to assess the SESA's adherence to BAM requirements. Standard data definitions and SESA investigative procedures have been designed to ensure that: (a) sufficient information is collected to determine whether the key week payment is proper; and (b) accurate data is collected and recorded for analytical purposes.

Regional Office staff will periodically conduct reviews of BAM investigative case files for three purposes:

- To determine the adequacy of SESA case investigations with emphasis on BAM's investigation of new issues and verification of previously resolved issues, and the accuracy of coding.
- To work with SESAs to improve BAM investigative operations.
- To work with SESAs to correct case data.

Information obtained during a case review monitoring trip will be recorded in the Regional Office BAM Federal Monitoring System.

2. Requirements. The requirements relating to the investigative process and data collection are located in ET Handbook No. 395, Benefits Quality Control State Operations Handbook, Chapters IV, V, VI, VII, and Appendix C (Investigative Guide Source, Action, and Documentation). The requirements are summarized and categorized in the Investigative Requirements Crosswalk and in the Requirements/Exception Codes Crosswalk located in Appendices E and F of this Handbook. Guidelines for ADP users of the Regional Monitoring System are contained in ET Handbook NO. 404.

3. Case Review Process

Objective. The Regional Office staff must review a minimum of 40 cases per State during the Calendar Year. In order to obtain representative sampling throughout the year in each State, Regional offices are requested to sample at least 20 cases in each of two non-consecutive quarters or 10 in each quarter. One on-site review is required during the year. ROs may exercise the option of conducting the additional case review by mail with State concurrence. Case review is undertaken to verify that:

- (1) The SESA investigation is adequate (i.e., complete

and thorough). This means determining whether: (a) all issues have been identified; (b) all issues have been pursued to a supportable conclusion; and (c) all issues identified have been properly resolved. It also means that required BAM methodology and procedures have been followed.

(2) The coding and entry of case information into the BAM data base have been done accurately to reflect documentation in the case file. (This includes verifying that the conclusions concerning error classification have been based on the application of state written law and policy and upon the findings of thorough fact-finding.)

On the following page, Figure V-1 illustrates the steps in the process of monitoring SESA case review.

4. Conduct Case Reviews. Regional Office monitors must conduct reviews of a representative sub-sample of completed cases. The Case Review Guide, presented in Figure V-2, provides for a minimum review and should not be construed as all-inclusive. Moreover, it is recognized that each monitor will have an individual method and sequence for reviewing a case. The Guide presents a minimal list of things which must be checked; it does not require any one specific approach or order of review. However, a final sign-off on a case (Disposition Codes 1, 2 or 3) by a-monitor in the Regional Office BAM Federal Monitoring System is a certification that all BAM investigative requirements have been reviewed. Each Regional office is encouraged to develop State specific versions of the Case Review Guide to assist in reviewing and evaluating the case file.

Each document or process listed on the Guide must be examined thoroughly to determine if the investigation is complete and thorough and the coding accurate. Following are the instructions for the use of the Case Review Guide presented in Figure V-2. The Case Review Guide is also included in Appendix D.

a. The left column of the Case Review Guide lists documents and processes which correspond to elements on the Data Collection Instrument (DCI) and required investigative procedures.

b. The center column lists specific items on the documents, or situations and information which require investigation or verification by the BAM unit.

c. The right column outlines the type of fact-finding that should have been conducted, the type of verification activity that should have been conducted, and the documentation that would be needed to substantiate that the requirements have been adequately met.

340 - Issue a formal/informal nonmonetary determination or redetermination consistent with State written law and policy.

Same definition as 330, only applies to nonmonetary determinations.

350 - Afford due process.

This code should be selected when the claimants rights have been substantively compromised. This is the case with respect to the Secretary's Standard for Claims Determinations, the principles announced by the U.S. Supreme Court in *JAVA*, or other principles of fair hearing embodied in Section 303(a)(3) of the Social Security Act. For example, a determination was printed but not issued, appeal rights are missing, or the determination fails to state grounds in such a way that a reasonable person could raise a protest.

360 - Take other required actions.

This code would be selected when the documentation contained in the case record proves that an action should have been taken, but the record establishes the fact that the action was never taken. This applies to both BAM and non-BAM units, if the issue was properly identified and pursued, but has not been resolved by action. This would include instances where a monetary redetermination is required, but the BAM unit did not refer the case to the appropriate unit for issuance of the redetermination; or a monetary redetermination was issued, but supplemental checks were never issued. Another example would be where the investigation is complete and clearly establishes fraud, but the BAM unit did not refer the case to the Fraud unit for issuance of a nonmonetary determination.

370 - Issue formal warnings.

This code should be used only in those States having a legal provision and/or a written policy which requires the issuance of a written formal warning. It should be selected when the case contains all of the documentation necessary to prove that a formal warning should have been issued, but was not issued or was improperly issued.

380 - Other, not elsewhere classified.

PROCEDURE SERIES. THE BAM UNIT DID NOT APPLY BAM PROCEDURES CORRECTLY.

ET Handbook No. 395 establishes specific procedures and

processes which must be followed for conducting BAM investigations to ensure the integrity of the data collected. An example of a Procedures Series exception is this: A work search contact is not verified and there is no explanation or an unacceptable reason for not verifying the contact. If a procedural inadequacy results also in coding exceptions (see Coding Series section which follows) the exception should be recorded only in this series.

Once a HAM procedural exception has been identified, the monitor should select the code which best describes the exception from the following list of codes.

410 - Include Documentation.

This code should be selected only when the BAM Unit failed to obtain documentation which would establish that the required procedures had been followed. (The document is missing.) It must be clearly proven that the State followed prescribed BAM procedures and took the necessary action but failed to document the action. (Required documentation includes, at a minimum, a copy of all agency documents from the claimant's original file and any documents pertaining to the BAM investigation as described in Chapter VII of ET Handbook No. 395.)

420 - Properly record information.

This requirement code should be selected for any situation in which the document is included in the file, but contains an inadequacy. It includes, but is not limited to:

- missing answers on a BAM form
- missing explanation for discrepancies on a HAM form
- inadequate explanation of inconsistencies on a BAM form
- missing signatures and dates
- inadequate or incomplete Summary of Investigation

430 - Conduct interviews as required, or adequately explain why it was not possible to do so.

This code would be used when:

- the claimant interview was not conducted and adequate effort to obtain an interview was not made or not adequately explained.

- a work search contact was not verified and adequate effort to verify was not made or not adequately explained.

- a BAM contact was not made and an adequate explanation was not provided.

- "New and original fact-finding" was not done in accordance with HAM investigative procedures and adequate explanation was not provided.

440 - Attend appeal hearing or provide an adequate explanation for non-attendance.

All appeals hearings resulting from BAM determinations must be attended by the BAM investigator responsible for obtaining the information which led to the determination. See ET Handbook No. 395, Investigative Requirements, Chapter VI.

450 - Follow required Interstate procedures.

This code is no longer applicable based on BAM investigative requirements.

460 - Account for all sampled cases/enter data into the system.

This code should be selected if a case cannot be located for review or if a sampled case has not been included in the SESA data base.

470 - Other, not elsewhere classified.

This covers any procedural requirement not previously listed.

CODING SERIES. THE BAM UNIT DID NOT CODE THE CASE ACCURATELY.

This requirement category is used to describe any exceptions that relate to entering case information into the Data Collection Instrument (DCI). The Coding Series codes are to be considered for selection only if there is evidence that an issue has been positively identified by the BAM Unit, the subsequent pursuit of that issue was adequate, the resolution is proper, and correct BAM procedures were followed as required, but the case is coded inaccurately.

An example of a Coding Series exception is an overpayment that has been established by BAM in the amount of \$100, but has been coded as \$1000.

Once a BAM coding exception has been identified, the monitor should select the code which best describes the exception from the following list of codes.

510 - Process data accurately - unintentional.

This code would be used for any coding error that appears to be inadvertent. It includes, but is not limited to:

- Data entry errors
- Computation errors
- Transcription errors
- Transposition errors

520 - Process data accurately - misinterpretation.

This code would be selected if the error in coding a data element was caused by investigator misinterpretation of a data element definition.

900 - Grossly Incomplete - monitor determines that investigation of the case is incomplete and that further review is not warranted; or requires reinvestigation (e.g., wrong week investigated).

This code is NOT to be used simply because an excessive number of errors was found in the case.

ISSUE CODES

The 23 issue description codes are used to classify the specific issues relating to exceptions coded in Requirement Codes for Identification, Pursuit, and Resolution Series.

Once a Requirement exception from the Identification, Pursuit, or Resolution Series has been identified, the monitor should select the Issue Code which best describes the exception from the codes which follow. (Definitions of each issue listed below include, but are not limited to, those found in Workload Validation and the QPI.)

The REQUIREMENT exception relates to an ISSUE involving:

- 010 - Monetary eligibility
- 020 - Covered employment
- 030 - Dependency
- 040 - Qualifying wages/work on subsequent benefit year
- 050 - Seasonal wage credits
- 060 - Employed
- 070 - Separation, voluntary quit
- 080 - Separation, discharge
- 090 - Labor dispute